

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE, *et al.*,

Defendants.

No. 1:18-cv-2921 (JMF)

NEW YORK IMMIGRATION
COALITION, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE, *et al.*,

Defendants.

No. 1:18-cv-5025 (JMF)

**NOTICE OF FILING SUPPLEMENTAL MATERIALS PURSUANT TO THE COURT'S
JULY 3, 2018 ORDER**

Defendants hereby file supplemental materials pursuant to the Court's July 3, 2018 order.

Given the volume of these materials and the fact that they are publicly available at http://www.osec.doc.gov/opog/foia/documents/census_prod002.zip, Defendants do not intend to file them directly on the docket. Rather, Defendants will provide the Court with a courtesy copy of the above-referenced supplemental materials in electronic format. Defendants can also provide Counsel for the State of New York with these materials in electronic format upon request.

Defendants maintain their position that this challenge to a final agency action is properly reviewed, if at all, on the basis of the administrative record produced by the Department of Commerce on June 8 and 21, 2018. *See* ECF Nos. 173 and 189, *New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF). Given, however, the Court's July 3, 2018 Order, Defendants have collected and are producing a broader set of materials than would normally be considered appropriate for an administrative record. This release has taken place over two filings this week due to the volume of the additional production. *See* ECF No. 211, *New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF).

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York
86 Chambers St., 3rd Floor
New York, NY 10007

CHAD A. READLER
Acting Assistant Attorney General

BRETT A. SHUMATE
Deputy Assistant Attorney General

JOHN R. GRIFFITHS
Director, Federal Programs Branch

CARLOTTA P. WELLS
Assistant Director, Federal Programs Branch

/s/ Stephen Ehrlich
KATE BAILEY
GARRETT COYLE
STEPHEN EHRLICH
CAROL FEDERIGHI
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., N.W.
Washington, DC 20530
Tel.: (202) 305-9803
Fax: (202) 616-8470
Email: stephen.ehrlich@usdoj.gov

Counsel for Defendants